

From: Rich and Deb Sensale
To: Microsoft ATR
Date: 11/16/01 10:39am
Subject: Settlement?

Hello

I have been involved in the computer industry in many capacities for over 20 years. During that time, I have seen Microsoft go from a small garage company, to the giant behemoth it is today. The one constant about how this company has operated over the years seems to be their complete lack of ethics when dealing with consumers and other companies. The Netscape browser killing was just one relatively small example of how they use their corporate advantage as a monopoly to threaten, beat down, and generally intimidate other companies into their way of thinking. Small startups with novel and innovative approaches are often squashed under their giant corporate feet. As for consumers, well, the Microsoft strategy for success seems to go something like this.

- a. Design an operating system or product with a lot of major and annoying bugs.
- b. Issue some bug fixes that fix a few of them, and charge a hefty sum for any meaningful kind of technical support.
- c. Make sure you ONLY give good support to people who pay a premium for it.
- d. After a while, put together a "new" version of that OS with all the bug fixes installed and a few minor alterations, and sell it as a completely new operating system, at a good high price.
- e. Go back to step a.

Microsoft relies on the fact that in our country, there is actually no accountability held for software companies to ensure the quality of their product. Their included license agreement states that if you do not agree with it, you should return the software for a refund. Well have you ever tried to return opened software for a refund? You can't! No place I have ever bought software allows you to return an opened package. And if something does not work on your machine, you are out the money you paid and the time you wasted.

A proper penalty for MS would be one that actually is a penalty. Up til now MS has shown that the slap on the wrist approach is both a waste of time and money.

It angers me when I see a settlement like the one proposed by the DOJ and remaining states. It is not penalty at all and will do absolutely nothing to dissuade MS from carrying on bad business as usual.

Here are a few suggestions for what might actually improve the situation and the industry in general.

1. Break up MS, but not into 2 separate companies who don't compete with each other. Separate it into 3-4 companies, each company maintaining the rights to all of their software. This effectively puts all of these baby bills into direct competition with each other and the rest of the industry.
2. Make MS release all source code to the public domain. Windows, Word, you name it. Get some REAL competition going.
3. HEAVY financial penalties.
4. If the company ever acts in the same manner again, put them under receivership.

MS has been found guilty of criminal monopolistic behavior, they need to be punished, not rewarded. The Justice sitting on this case has to get over the politics and back room dealings and do some serious damage to show that this administration, the DOJ and the Courts do not allow this sort of criminal behavior to go unpunished. I'm not sure what happened over at the DOJ between Clinton and George W. Bush, but it doesn't seem to be very good.

Politics should not enter into this sort of case. The government has spent millions of tax dollars to end the MS criminal behavior, they should end it, not just slap them on the little finger and say play nice. The things MS has done requires drastic action, the more drastic, the better.

Sincerely

Rich Sensale